

UNITED STATES DISTRICT COURT

for the
Western District of Washington

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)
Target Vehicle and Target Phone, as more fully
described in Attachment A

Case No. MJ21-421

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Target Vehicle and Target Phone, as more fully described in Attachment A, incorporated herein by reference.

located in the Western District of Washington, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C)	Possession with Intent to Distribute Controlled Substances, including but not limited to Fentanyl
21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C)	Distribution of Controlled Substances, including but not limited to Fentanyl
21 U.S.C. § 844	Possession of a Controlled Substance
18 U.S.C. § 922(g)	Felon in Possession of a Firearm and/or Ammunition

The application is based on these facts:

- ☒ See Affidavit of Elliott Prose, continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Pursuant to Fed. R. Crim. P. 4.1, this warrant is presented: ☒ by reliable electronic means; or: ☐ telephonically recorded.


Applicant's signature

Elliott Prose, Special Agent, ATF
Printed name and title

- ☐ The foregoing affidavit was sworn to before me and signed in my presence, or
☒ The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone.

Date: 07/20/2021


Judge's signature

City and state: Seattle, Washington

Michelle L. Peterson, United States Magistrate Judge
Printed name and title

ATTACHMENT A

Property to Be Searched

The following property in ATF custody in King County:

TARGET VEHICLE: a black colored Toyota Camry WA, license plate number BQZ7798 (registered to Dung Van Mai, 27108 46th AVE S, Kent, WA, per Washington Department of Licensing).

TARGET TELEPHONE: an Apple iPhone cellular telephone, which was recovered from the TARGET VEHICLE on July 7, 2021.

ATTACHMENT B**Items to be Seized**

The items to be seized are the following items or materials that may contain evidence of the commission of, the fruits of, or property which has been used as the means of committing federal criminal violations of Possession with Intent to Distribute Controlled Substances, including but not limited to Fentanyl, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C); Distribution of Controlled Substances, including but not limited to Fentanyl, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C); Possession of a Controlled Substance, in violation of 21 U.S.C. § 844; and Felon in Possession of a Firearm and/or Ammunition, in violation of 18 U.S.C. § 922(g):

1. Any suspected controlled substances, for example, fentanyl;
2. Paraphernalia for packaging, smuggling, processing, diluting, manufacturing, weighing, and distributing controlled substances, for example: hidden compartments, scales, blenders, funnels, sifters, grinders, glass panes, mirrors, razor blades, plastic bags, heat sealing devices, and diluting agents such as inositol, vitamin B12, etc.;
3. Firearms and firearms related items, including magazines, ammunition, shell casings, holsters, and body armor, or other dangerous weapons;
4. Documents such as ledgers, receipts, notes, and similar items relating to the acquisition, transportation, and distribution of controlled substances, or the acquisition and possession of firearms and ammunition;
5. Items identifying drug customers and drug suppliers, such as, telephone records, personal address books, correspondence, diaries, calendars, notes with phone numbers and names, "pay/owe sheets" with drug amounts and prices, and similar items;
6. Currency and financial records that show income from, or activity related to, drug trafficking, including bank records, money transfer records, safe deposit box records and keys, credit card records, bills, receipts, tax returns, vehicle documents, and similar items; and other records that show income

and expenditures, net worth including receipts for personal property, negotiable instruments, bank drafts, cashier's checks, and similar items;

7. Jewelry, appraisals for jewelry, and containers for jewelry;
8. Photographs, video tapes, digital cameras, and similar items depicting the vehicle occupants, suspected buyers or sellers of controlled substances, firearms, controlled substances, drug distribution paraphernalia, and assets derived from the distribution of controlled substances;
9. Evidence relating to the purchase, ownership, rental, or control of the vehicle;
10. Items of personal property that tend to identify the occupancy, control, or ownership of the vehicle, including title for the vehicle, insurance paperwork, mail, lease paperwork for the vehicle, telephone books, identification documents, and keys;
11. Identification documents, including passports, visas, alien registration cards, any and all travel documents, immigration documents, driver's licenses, identification cards, and social security cards;
12. Documents indicating travel in interstate and foreign commerce, to include airline tickets, notes and travel itineraries; airline schedules; gas receipts, bills; charge card receipts; hotel, motel, and car rental statements; correspondence with travel agencies and other travel related businesses; airline, rent a car, and hotel frequent flier or user cards and statements; passports and visas; telephone bills; photographs of foreign locations; and papers relating to domestic and international travel; and
13. Cellular telephones and other communications devices including the TARGET TELEPHONE and any other cellular telephones located within the TARGET VEHICLE, including Blackberries, Androids, iPhones, and similar devices. With respect to this item only, investigating agents are authorized to search the TARGET TELEPHONE and any other cellular telephones located within the TARGET VEHICLE for the following items, whether deleted or not:

- a. Assigned number and identifying telephone serial number (ESN, MIN, IMSI, or IMEI);
- b. Stored list of recent received, sent, and missed calls;
- c. Stored contact information;
- d. Photographs related to federal criminal violations of the aforementioned offenses, including any embedded data associated with these photographs;
- e. Videos related to federal criminal violations of the aforementioned offenses, including any embedded data associated with these videos;
- f. Photographs that may show the user of the phone and/or co-conspirators, including any embedded GPS data associated with these photographs;
- g. Videos that may show the user of the phone and/or co-conspirators, including any embedded GPS data associated with these photographs;
- h. Stored text messages related to federal criminal violations of the aforementioned offenses, including Facebook messages, WhatsApp messages, and other similar messaging services where the data is stored on the telephone; and
- i. Stored text messages, emails, and other electronic messages that may show the user of the phone.

1 **AFFIDAVIT OF SPECIAL AGENT ELLIOTT PROSE**

2 STATE OF WASHINGTON)

3) ss

4 COUNTY OF KING)

5
6 I, Elliott Prose, a Special Agent (“SA”) with the Bureau of Alcohol, Tobacco, Firearms,
7 and Explosives (“ATF”), having been duly sworn, state as follows:

8 **AFFIANT BACKGROUND**

9 1. I am an “investigative or law enforcement officer of the United States”
10 within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of
11 the United States who is empowered by law to conduct investigations of, and to make
12 arrests for, offenses enumerated in Title 18, United States Code, Section 2516.

13 2. I am a Special Agent (SA) with the United States Department of Justice,
14 Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and have been so
15 employed since May 14, 2017. I am currently assigned to the Seattle Field Office, in
16 Seattle, Washington, where I am assigned to the ATF Violent Crime Task Force. In this
17 capacity, I enforce federal criminal laws relating to the possession and trafficking of
18 firearms. Prior to my employment with the ATF, I served as a police officer with the
19 Washington, D.C. Metropolitan Police Department in Washington, D.C., from November
20 2008 until December 2010. I also served as a Federal Air Marshal from December 2010
21 until May 2017. While employed as a Federal Marshal, I received a Master of Science
22 from the University of Cincinnati in Criminal Justice with a Criminal Analysis emphasis.
23 I received formal training from the Federal Law Enforcement Training Center in Glynco,
24 Georgia, Criminal Investigators Training Program, which familiarized me with basic
25 narcotic investigations, drug identification and detection, United States narcotics laws,
26 financial investigations and money laundering, identification and seizure of drug-related
27 assets, organized crime investigations, physical and electronic surveillance, and
28 undercover operations. In addition, I successfully completed a fourteen week ATF

AFFIDAVIT OF ELLIOTT PROSE - 1
USAO # 2021R00782

UNITED STATES ATTORNEY
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1 Special Agent Basic Training course in Glynnco, Georgia, which included comprehensive,
 2 formalized instruction in, among other things: firearms identification, firearms
 3 trafficking, arson and explosives, and tobacco and alcohol diversion. My training
 4 included training specifically on the identification of counterfeit M-30 pills believed to
 5 contain fentanyl.

6 3. During my professional training and experience, I have both assisted in and
 7 conducted investigations into firearms and narcotic violations, including investigations
 8 involving counterfeit M-30 pills believed to contain fentanyl. I have also consulted with
 9 other investigators who have seized counterfeit M-30 pills believed to contain fentanyl
 10 within this District on numerous occasions. I have also participated in undercover
 11 operations, and in the execution of search warrants at locations associated with these
 12 individuals. During the execution of search warrants, I have participated in the recovery
 13 of evidence related to firearms and narcotic violations. Through this experience and
 14 training and based upon the experience of other Special Agents which has been relayed to
 15 me, I have become familiar with the modus operandi of narcotic dealers and narcotic
 16 traffickers and illegal possessors of firearms and ammunition as enumerated herein.

17 INTRODUCTION AND PURPOSE OF AFFIDAVIT

18 4. This Affidavit is submitted in support of a request for authorization to
 19 search the following TARGET VEHICLE and TARGET TELEPHONE, which are more
 20 particularly described in Attachment A to this Affidavit, attached hereto and incorporated
 21 by this reference as if set forth fully herein:

22 **TARGET VEHICLE:** a black colored Toyota Camry WA, license plate number
 23 BQZ7798 (registered to Dung Van Mai, 27108 46th AVE S, Kent, WA, per
 24 Washington Department of Licensing).

25 **TARGET TELEPHONE:** an Apple iPhone cellular telephone, which was
 26 recovered from the TARGET VEHICLE on July 7, 2021.

27 5. The Affiant seeks to search the TARGET TELEPHONE and TARGET
 28 VEHICLE for the items described in Attachment B to this Affidavit.

1 6. On July 7, 2021, agents arrested Jalen L. AZIZ in MJ 21-391 and later filed
2 a criminal complaint for two counts of Distribution of Fentanyl, in violation of 21 U.S.C.
3 §§ 841(a)(1) and 841(b)(1)(C), and one count of Felon in Possession of a Firearm, in
4 violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2), and 2. A grand jury indicted AZIZ on
5 July 15, 2021 in CR 21-118 JLR on the same counts.

6 7. As set forth below, there is probable cause to believe that a search of the
7 TARGET TELEPHONE and TARGET VEHICLE will recover evidence of Possession
8 with Intent to Distribute Controlled Substances, including but not limited to Fentanyl, in
9 violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C); Distribution of Controlled
10 Substances, including but not limited to Fentanyl, in violation of 21 U.S.C. §§ 841(a)(1)
11 and 841(b)(1)(C); Possession of a Controlled Substance, in violation of 21 U.S.C. § 844;
12 and Felon in Possession of a Firearm and/or Ammunition, in violation of 18 U.S.C.
13 § 922(g).

14 8. I have obtained the facts set forth in this affidavit through my personal
15 participation in the investigation described below; from oral and written reports of other
16 law enforcement officers participating in this and related investigations, and from
17 records, documents and other evidence obtained during this investigation. Since this
18 affidavit is being submitted for the limited purpose of obtaining the relief sought herein, I
19 have not included every fact known concerning this investigation. I have set forth only
20 the facts that I believe are essential to establish the necessary foundation for the requested
21 warrant.

22 **SUMMARY OF PROBABLE CAUSE**

23 9. In February 2021, I created multiple undercover "Snapchat" accounts with
24 the objective of identifying and investigating individuals utilizing "Snapchat" to illegally
25 purchase, sell, trade, and possess firearms. Since then, these undercover Snapchat
26 accounts have been used to identify subjects engaged in illegal firearms activity within
27 Snapchat and to facilitate undercover controlled purchases and reverse buy/bust
28 operations.

1 10. With respect to AZIZ, two such undercover Snapchat accounts are most
2 relevant – Snapchat Account 1 and Snapchat Account 2. When I created Snapchat
3 Account 1, I “friended” an undercover Kent Police Department Snapchat account that
4 predated my investigation. I then “friended” the same people who were “mutual friends”
5 with this Kent Police Department Snapchat account. Some of these individuals accepted
6 my requests and some did not. Based on my “friend” list, the Snapchat program began to
7 recommend people as “mutual friends.” I “friended” some of these individuals and some
8 of them “friended” me. As with other social media platforms, a “friend” request must be
9 affirmatively accepted by the Snapchat user before the platform supports further
10 interaction. Through these methods, an individual with the username “greedypayton”
11 and the screen name “Greedy Bands” became friends with Snapchat Account 1.
12 Snapchat Account 1 has approximately three hundred (300) friends.

13 11. On June 22, 2021, ATF Special Agent Hunt created a video using the
14 Snapchat app on Snapchat Account 2. Snapchat Account 1 is “friends” with Snapchat
15 Account 2. At the time of the post, “greedypayton” was not “friends” with Snapchat
16 Account 2. The video posted by SA Hunt mimicked numerous other videos that he had
17 seen posted on Snapchat offering to sell firearms. In this particular video, SA Hunt
18 displayed two firearms on a background – a Glock 26, 9mm, pistol with an extended
19 magazine and a Smith and Wesson, M&P 9, 9mm pistol. At the bottom of the video, SA
20 Hunt wrote the text, “Mp9 an tha 26 tap in,” meaning that if a user was interested in
21 either gun, they should “tap in,” that is, message, SA Hunt. SA Hunt did not list a price
22 for the firearms. Once posted, Snapchat Account 2 reflected that it was viewed by more
23 than 65 individuals who were “friends” with Snapchat Account 2. To broaden the
24 potential reach of the video, I also shared the video through Snapchat Account 1 with as
25 many “friends” of Snapchat Account 1 as the Snapchat platform would allow, including
26 the individual with the username “greedypayton.” I believe I shared the video with more
27 than fifty (50) “friends” of Snapchat Account 1.
28

12. After posting the video, SA Hunt received multiple friend requests via Snapchat Account 2 from individuals with whom the video was shared. One of these individuals – who saw the video through Snapchat Account 1 – had the username “greedypayton” and the screen name “Greedy Bands.” This individual reached out to SA Hunt at Snapchat Account 2 and added Snapchat Account 2 as a “friend.” SA Hunt accepted the request. “Greedy Bands” messaged SA Hunt, “Where u from . . . Sumone said u got sum on the market.” SA Hunt replied that he had the Glock 26 and Smith MP9. “Greedy Bands” asked, “Prices.” SA Hunt said he was thinking 900 for both, but then said he’d think on it because, “Im told my guy id give it to him for percs cause Im tryna make some bread,” meaning that SA Hunt had told someone else he’d trade the guns for “percs,” a street term referring to counterfeit M-30 pills, small blue pills marked with the letter “M” on one side and the number “30” on the other side and made with fentanyl. “Greedy Bands” replied, “I got em! Wats ur number bro.” He then said “25 20 sumtimes 15 wholesell I’ll work wit whoever,” referencing prices for M-30 pills of \$25, \$20, and \$15 per pill. SA Hunt indicated that was too steep. “Greedy Bands” then said he’d drop them down depending on what SA Hunt was buying, and indicated that he sold “lean n tree,” code that I recognize to refer to liquid codeine and marijuana. SA Hunt asked if “Greedy Bands” could do 80 of them. “Greedy Bands” then texted SA Hunt a picture of a plastic bag containing what appeared to be several hundred of blue pills. The “M” stamp could be seen on some of the pills in the picture. SA Hunt then explained that he had promised the guns to another person, but that he got “the bangers,” meaning guns, on the steady and could contact “Greedy Bands” when he had others. SA Hunt said, “Fuc wit me on the pills an I’ll hook it up.” “Greedy Bands” responded “Ight bro,” and said “Lmk if u need packs too bro I’ll hook it up how much u got to spend Ill plug.” Based on my training and experience, and consultation with SA Hunt, I understand “Greedy Bands” to be using “packs” to reference a package of M-30 pills and “plug” to mean that “Greedy Bands” would sell SA Hunt dealer quantities at lower prices. SA Hunt indicated that he would buy pills from Greedy Bands at a later time.

1 13. I reached out to multiple police departments with the photograph of
2 Snapchat user “greedypayton” in an attempt to identify the user. On June 27, 2021,
3 Bellevue Police Department (BPD) indicated that the male subject operating the Snapchat
4 username “greedypayton” is Jalen L. AZIZ. I then compared Snapchat photographs
5 posted by “greedypayton,” to include several “selfies” which appeared to have been taken
6 by the user of the account, with AZIZ’s Washington State DOL photo. After comparing
7 the photographs, I identified the subject in the “greedypayton” Snapchat account as
8 AZIZ.

9 14. I have also reviewed a YouTube channel for “Greedy Bands” in which
10 AZIZ has several videos of himself flashing guns and rapping about selling blues, which
11 I know to be common code for M-30 pills containing fentanyl.

12 15. Also on June 27, 2021, SA Hunt received a message from AZIZ asking him
13 “wasgud bro.” SA Hunt responded to AZIZ, saying that he was working on getting
14 another pistol, a Glock 27. AZIZ asked SA Hunt, in sum, how much he wanted for it and
15 SA Hunt replied that he needed to get it first.

16 16. The following day, June 28, 2021, SA Hunt asked AZIZ how many pills he
17 could get for \$1,000.00. AZIZ told SA Hunt that he’d bring it down to like “6 5 a pop,”
18 meaning \$6.50 per pill. The two set up a deal later that day for SA Hunt to purchase the
19 pills.

20 17. At approximately 5:00pm, while under surveillance by other investigators,
21 AZIZ arrived at the meet in a Black 2011 Toyota Camry (WA License Plate: BQZ7798),
22 the TARGET VEHICLE. An unidentified female was driving, and AZIZ was in the
23 passenger seat. AZIZ exited the passenger seat and met with SA Hunt in the parking lot
24 of the Wendy’s restaurant at 6331 S 212th in Kent, WA, and purchased 168 pills from
25 AZIZ for \$1,000.00. SA Hunt recorded the deal with a digital audio recorder, worn on
26 his person; a digital video recorder, also worn on his person; and on video and audio
27 recorded from his vehicle.
28

1 18. SA Hunt arrived at the Wendy's parking lot before AZIZ and watched him
2 pull into the lot and next to SA Hunt in the black Toyota Camry. As stated above, AZIZ
3 was the passenger and the Camry was driven by an unidentified female. AZIZ put on a
4 COVID mask and got into SA Hunt's vehicle. AZIZ immediately produced a bag
5 containing what he said was 175 -180 pills. SA Hunt took the bag and paid AZIZ a
6 bundle of twenty dollar bills amounting to \$1,000.00. SA Hunt asked AZIZ about the
7 firearm that he was trying to get and AZIZ explained, "about the poles bro, whatever you
8 get that's over a .22. Or, I don't really like revolvers either, but any semis bro, I prefer
9 Glocks, Sigs, XDs." SA Hunt repeated, "Glocks, Sigs, XDs" to which AZIZ stated, "yep,
10 I'll take all of them bro." SA Hunt told AZIZ that he sometimes got them three at a time,
11 to which AZIZ said, "I'll buy three at a time bro, that's how I roll." AZIZ then counted
12 the money that SA Hunt gave him. The two then agreed to be in touch. AZIZ got out of
13 SA Hunt's vehicle and into the black Camry. SA Hunt then drove away Westbound on
14 212th, concluding the deal. After the deal, the pills were secured as evidence in the
15 Seattle I Drug Evidence Vault.

16 19. On June 29, 2021, I counted the pills and determined there were 168 pills,
17 short of the 175-180 that AZIZ indicated he provided. AZIZ also provided more pills
18 than expected at the price of \$6.50 per pill (which would have worked out to 153.8 pills
19 for \$1,000). Investigators do not know why AZIZ lowered the price; it is possible that
20 AZIZ simply miscounted the pills provided to SA Hunt. I then photographed the pills
21 and packaging. The total weight with the pill packaging and ATF evidence packaging
22 was 31.1 grams. Upon examination of the blue pills, I observed that on one side of the
23 pills there was a stamped "M" and on the opposite side there was a stamped "30." Based
24 on my training and experience, I am aware that legitimately manufactured oxycodone
25 pills are frequently white or blue in color and contain an "M" stamped on one side, with
26 the number "30" stamped on the other side. I am aware that counterfeit M-30s containing
27 fentanyl sold in the Western District of Washington are the same size and shape, and
28 possess the same markings as legitimate oxycodone, but vary in color and quality.

1 Through training and experience, I recognized the pills purchased by SA Hunt to be
2 consistent in quality and appearance with counterfeit opiate pills (known as "M-30")
3 which are currently circulating in the Western District of Washington and have
4 consistently been found to contain fentanyl in laboratory analysis.

5 20. Later in the day of June 29, 2021, myself and SA Salcepuedes met with
6 ATF SA Matt Wear, who has been involved in numerous investigations involving pills
7 which ultimately were found to contain fentanyl in laboratory analysis. SA Wear assisted
8 with field testing the pills that were purchased from AZIZ. SA Wear used the "TruNarc
9 Analyzer" to test the pills. SA Wear explained to myself and SA Salcepuedes that the
10 "TruNarc Analyzer" is used for field-testing suspect pills and tablets for controlled
11 substances, especially fentanyl and its analogs. SA Wear advised that the most common
12 form of fentanyl seen by the DEA Western Laboratory is identified in counterfeit blue or
13 blue-green tablets marked with a logo of "M30." The majority of these tablets also
14 contain a large quantity of acetaminophen. The "TruNarc Analyzer" is unable to directly
15 identify fentanyl in these tablets due to the low concentration of fentanyl present;
16 however, it is able to identify the acetaminophen in the tablets as the concentration is
17 higher. Legitimate oxycodone tablets with the marking of M-30 do not contain
18 acetaminophen. Thus, the identification of acetaminophen in tablets marked with a logo
19 of "M30" can be used as an indicator that the tablet is counterfeit and may be suspected
20 of containing fentanyl and/or its analogs. When SA Wear tested the pills purchased from
21 AZIZ, the "TruNarc Analyzer" revealed a positive hit for Acetaminophen (Paracetamol)
22 and could not rule out the presence of a narcotic. This result confirmed my belief that the
23 pills contain fentanyl.

24 21. Between July 3 and 6, 2021, AZIZ continued to exchange messages with
25 undercover SA Hunt regarding firearms that AZIZ wanted to purchase, including a Glock
26 27, two Springfield XD pistols and an AR-15 variant firearm.

27 22. On July 6, 2021, SA Hunt told AZIZ he was going to keep the 27 but that
28 AZIZ could have the "2 XDs." SA Hunt said, "Tryna get me blues so lmk what u

1 thinkin.” AZIZ responded, “It’s all good fam ima grab em wats ur Cost on em Or we can
2 do beans too.” I recognize “beans” in this conversation to refer to pills.

3 23. SA Hunt responded that he was thinking \$1,500 or a bag like last time
4 (referring to the \$1,000 pill deal) and \$500. AZIZ confirmed that was for all three,
5 referencing the two Springfield XD pistols and the AR-15 variant firearm. AZIZ then
6 said he didn’t have much cash and asked, “Can we do a 200 pack flat across? Or a 200
7 pack n a few g of powder.” Based on my training and experience, and after consultation
8 with SA Hunt, I understand that AZIZ proposed a trade of the three guns in exchange for
9 a pack of 200 pills containing fentanyl or 200 pills plus a few grams of fentanyl powder.
10 SA Hunt countered that he needed at least “1400” and proposed “a 200 pack an like a
11 hundred off the next time I get.” AZIZ accepted this, saying, “I’m ready when u are.
12 6.50x200 1300 so take 100 off next purchase? Nah I can do 200 off next pay.” I
13 understood this to mean that AZIZ would bring 200 pills, at \$6.50 each, and take \$100-
14 \$200 off SA Hunt’s next purchase. SA Hunt and AZIZ agreed to meet the following day.

15 24. On July 7, 2021, undercover SA Hunt and AZIZ met in the parking lot at
16 the Hawthorn Suites in Kent, Washington. AZIZ arrived in the same 2011 Toyota Camry
17 (WA Plate: BQZ7798), the TARGET VEHICLE, which he used during the June 28th
18 meet. Investigators recognized the driver of the Camry to be the same unidentified
19 female as was present during the June 28th meet. AZIZ sat in the front passenger seat.

20 25. AZIZ exited the passenger side of the Camry and entered the passenger side
21 of SA Hunt’s undercover vehicle. AZIZ handed SA Hunt a clear bag of blue pills
22 resembling the pills that SA Hunt had purchased from AZIZ on June 28. SA Hunt placed
23 the pills in the undercover vehicle’s “trap,” a location created to hide contraband from
24 view. SA Hunt then reached for the *Code Red Firearms, model Red15, multi caliber, AR*
25 *variant pistol bearing serial number Red-00607* from the back seat of the undercover
26 vehicle. SA Hunt handed the firearm to AZIZ. SA Hunt asked AZIZ if it was okay.
27 AZIZ responded that it was good. SA Hunt then handed AZIZ the *HS Produkt (imported*
28 *by Springfield Armory), model XD-40 Sub-Compact, .40 caliber pistol bearing serial*

1 *number XD486547 and the HS Produkt (imported by Springfield Armory), model XD-40,*
2 *.40 caliber pistol bearing serial number XD478960. AZIZ indicated to SA Hunt he was*
3 *happy with these pistols too.*

4 26. Once AZIZ was in possession of all three firearms, SA Hunt gave the signal
5 for the arrest team to take AZIZ into custody. The arrest team moved in and apprehended
6 AZIZ. As the arrest team took AZIZ into custody, additional surveillance units covered
7 the Toyota Camry, which contained a female driver later identified as Duyen Mai.

8 27. SA Nathan Petrulak retrieved the pills that SA Hunt had received from
9 AZIZ from the undercover "trap" and handed them to me for safe keeping.

10 28. I asked Mai if TARGET VEHICLE was her car, she replied it was. I had
11 noticed an Apple type phone in a black "incipio" case – the TARGET TELEPHONE –
12 lying on the front passenger seat of the TARGET VEHICLE, where AZIZ had been
13 seated. I asked Mai who owned that phone. Mai responded it was not hers, but she used
14 it. Mai also stated it did not belong to AZIZ. I told Mai if she could prove the phone was
15 hers and not AZIZ's, she could take possession of it. Mai gave King County Sheriff's
16 Office Detective Joe Eshom and myself permission to retrieve the cellular phone and
17 search the vehicle.

18 29. As Detective Eshom was retrieving the cellular phone and I opened the rear
19 driver's side door of the TARGET VEHICLE to begin searching, Mai asked me not to
20 search the vehicle. Investigators then ceased searching the vehicle. Mai still asked
21 Detective Eshom to get the cellular phone from the front passenger seat. As Detective
22 Eshom reached to secure the phone, he noticed a clear baggy in the cupholder of the
23 center console of TARGET VEHICLE containing blue colored pills. Detective Eshom
24 asked Mai to hand him the baggy, which she did. The blue baggy Mai pulled out of the
25 center console contained pills appearing to be similar to those SA Hunt had purchased.
26 Detective Eshom then retrieved the TARGET TELEPHONE from the front passenger
27 seat and handed it to Mai. Detective Eshom asked Mai to verify she did use the phone
28 and that the phone was not AZIZ's property. It took Mai multiple attempts to unlock the

1 phone. While she was clicking through the Snapchat application, both Detective Eshom
2 and myself observed the username to be "Greedy Bands." At this time, I took the
3 TARGET TELEPHONE back from Mai and locked the phone in order to apply for a
4 search warrant. I then shut the doors of the TARGET VEHICLE so it could be sealed
5 and preserved for a possible search warrant. As I shut the doors, I observed what
6 appeared to be a spent shell casing caught in the crack of the front hood release on the
7 driver's side.

8 30. The TARGET VEHICLE was secured as evidence and transported to the
9 King County Sheriff's Office Precinct 4 for safekeeping pending a potential search
10 warrant. The TARGET TELEPHONE was retained in the ATF Seattle I Evidence Vault.

11 31. For the same reasons discussed above, I recognized the pills received by
12 SA Hunt from AZIZ and those recovered from the TARGET VEHICLE center console to
13 be consistent in quality and appearance with counterfeit opiate pills (known as "M-30")
14 which are currently circulating in the Western District of Washington and have
15 consistently been found to contain fentanyl in laboratory analysis. The pills had the same
16 color, "M" symbol and "30" symbol as the pills SA Hunt had purchased on June 28.

17 32. Later on July 7, 2021, I counted and weighed the pills. The pills received
18 by SA Hunt from AZIZ weighed 23.1 grams with packaging for 206 pills. The pills
19 recovered out of the Toyota Camry weighed 8.7 grams with packaging for 56 pills. I
20 secured the pills as evidence in the Seattle I Drug Evidence Vault.

21 33. On July 12, 2021, SA Hunt and I met with ATF SA Matt Wear who
22 assisted with field testing the pills that were recovered from AZIZ. I provided SA Wear a
23 sample of the suspected fentanyl pills that were recovered from AZIZ and a sample of the
24 suspected fentanyl pills that were recovered from the TARGET VEHICLE. SA Wear
25 tested both samples with the "TruNarc Analyzer" and the device revealed a positive hit
26 for Acetaminophen (Paracetamol) for both samples and could not rule out the presence of
27 a narcotic. Due to these results, the quality and appearance of the pills, the similarity of
28 the pills to the pills SA Hunt had previously purchased from AZIZ, and based on the

1 negotiations between AZIZ and SA Hunt for the same type of pills, I believed the pills
 2 received by SA Hunt on July 7, 2021 and recovered from the TARGET VEHICLE
 3 contain fentanyl.

4 34. Later in the day of July 12, 2021, I sealed the 206 pills of suspected
 5 fentanyl recovered from AZIZ and the 56 pills of suspected fentanyl recovered from the
 6 TARGET VEHICLE and secured them as evidence in the Seattle I temporary Drug
 7 Evidence Vault.

8 **Nexus on Firearms**

9 35. ATF Special Agent David Cline, an agent who is an expert at conducting
 10 interstate nexus reviews, has determined that the three firearms referenced in Count
 11 Three – *the HS Produkt (imported by Springfield Armory), model XD-40 Sub-Compact,*
 12 *.40 caliber pistol bearing serial number XD486547; the HS Produkt (imported by*
 13 *Springfield Armory), model XD-40, .40 caliber pistol bearing serial number XD478960;*
 14 *and the Code Red Firearms, model Red15, multi caliber, AR variant pistol bearing serial*
 15 *number Red-00607* – are “firearms” as defined by federal law. Special Agent Cline
 16 further determined that these firearms were manufactured outside of the State of
 17 Washington, and therefore had traveled in interstate and/or foreign commerce, in order to
 18 be received or possessed in the State of Washington.

19 **Criminal History**

20 36. I have reviewed AZIZ’s criminal history and observed he has felony
 21 convictions punishable by imprisonment for a term exceeding one year, which would
 22 federally prohibit him from possessing firearms. These convictions are:

23 *Robbery in the Second Degree*, cause number 19-1-01215-0
 24 SEA, in the Superior Court of Washington for King County,
 25 on or about July 19, 2019; and

26 *Robbery in the Second Degree*, cause number 19-C-01382-2
 27 SEA, in the Superior Court of Washington for King County,
 28 on or about July 19, 2019;

1 37. A review of the Judgment in cause number 19-1-01215-0 SEA indicates a
2 standard sentencing range of 15 to 20 months. The Judgment further reflects that the
3 Court sentenced AZIZ to 15 months' imprisonment. The Judgment indicates that AZIZ
4 was present during the sentencing hearing and it appears to be signed by AZIZ.

5 38. A review of the Judgment in cause number 19-C-01382-2 SEA indicates a
6 standard sentencing range of 15 to 20 months. The Judgment further reflects that the
7 Court sentenced AZIZ to 15 months' imprisonment. The Judgment indicates that AZIZ
8 was present during the sentencing hearing and it appears to be signed by AZIZ.

9 **Common Characteristics of Drug Traffickers**

10 39. As a result of my training and experience, and based on my consultation
11 with other agents and law enforcement officers, I have an understanding of the manner in
12 which narcotics are distributed and the various roles played by individuals and groups in
13 their distribution. I have encountered and have become familiar with various tools,
14 methods, trends, paraphernalia, and related articles utilized by various traffickers in their
15 efforts to import, conceal, and distribute controlled substances. I am also familiar with the
16 manner in which drug traffickers use telephones, often cellular telephones, to conduct
17 their unlawful operations. I am also familiar with the manner in which drug traffickers
18 will use weapons to protect their drug activities and further its goals.

19 40. Based upon my training, experience, and conversations with other
20 experienced officers and agents, I know that:

21 a. Persons involved in the distribution of controlled substances
22 typically will obtain and distribute drugs on a regular basis, much as a distributor of a
23 legal commodity would purchase stock for sale. Similarly, such drug dealers will
24 maintain an "inventory," which will fluctuate in size depending upon the demand for and
25 the available supply of the product.

26 b. It is common for drug dealers to possess multiple types of narcotics,
27 drug paraphernalia, and other items which are associated with the sale and use of
28 controlled substances such as scales, containers, cutting agents/substances, and packaging

1 materials in their residences, stash houses, storage units, garages, outbuildings and/or
2 vehicles on their property.

3 c. Drug traffickers often document aspects of their criminal conduct
4 through photographs or videos of themselves, their associates, their property, and their
5 product. Drug traffickers usually maintain these photographs or videos in their
6 possession.

7 d. It is a common practice for drug traffickers to maintain records
8 relating to their drug trafficking activities in their residences, stash houses, storage units,
9 garages, outbuildings and/or vehicles. Because drug traffickers in many instances will
10 “front” (i.e., sell on consignment) controlled substances to their clients, or alternatively,
11 will be “fronted” these items from their suppliers, such record keeping is necessary to
12 keep track of amounts paid and owed, and such records will also be maintained close at
13 hand so as to readily ascertain current balances. These records include “pay and owe”
14 records to show balances due for drugs sold in the past (pay) and for payments expected
15 (owe) as to the trafficker’s suppliers and distributors, telephone and address listings of
16 clients and suppliers, and records of drug proceeds. These records are commonly kept for
17 an extended period of time.

18 e. Drug traffickers maintain books, records, receipts, notes, ledgers,
19 airline tickets, money orders, and other papers relating to the transportation and
20 distribution of controlled substances. These documents, whether in physical or electronic
21 form, are maintained where the traffickers have ready access to them. These documents
22 include travel records, receipts, airline tickets, auto rental agreements, invoices, and other
23 memorandum disclosing acquisition of assets and personal or business expenses. I also
24 know that such records are frequently maintained in narcotics traffickers’ residences,
25 stash houses, storage units, garages, outbuildings and/or vehicles.

26 f. Drug traffickers often maintain large amounts of US currency in
27 order to maintain and finance their ongoing illegal drug trafficking business.
28

1 g. It is common for drug dealers to secret drugs, currency and other
2 valuable items representing the proceeds of drug sales in secure locations within their
3 residences, stash houses, storage units, garages, outbuildings and/or vehicles on the
4 property in order to prevent the theft of such items by other persons or the seizure of such
5 items by law enforcement. These secure locations typically include other residences also
6 known as “stash houses,” storage lockers, safes, portable safes, vaults, or other locked
7 containers (sometimes requiring passwords or codes to open), as well as specially
8 constructed concealed compartments such as those often found in “load cars” used
9 specifically to facilitate drug trafficking.

10 h. It is common to find papers, letters, billings, documents, and other
11 writings, which show ownership, dominion, and control of businesses, residences, and/or
12 vehicles in the residences, stash houses, storage units, garages, outbuildings and/or
13 vehicles of drug traffickers. Items of personal property that tend to identify the person(s)
14 in residence, occupancy, control, or ownership of the premises also include canceled
15 mail, deeds, leases, rental agreements, photographs, personal telephone books, diaries,
16 utility and telephone bills, statements, identification documents, keys, financial papers,
17 rental receipts and property ownership papers, personal and business telephone and
18 address books and telephone toll records, and other personal papers or identification
19 cards in the names of subjects involved in the criminal activity being investigated.

20 i. Drug traffickers commonly have in their possession, that is, on their
21 person, at their residences, stash houses, storage units, garages, outbuildings and/or
22 vehicles, firearms, ammunition, and other weapons, which are used to protect and secure
23 their property. Persons who purchase and possess firearms also tend to maintain the
24 firearms and ammunition for lengthy periods of time. Firearms can be acquired both
25 legally and unlawfully, without official / traceable documentation. Persons who acquire
26 firearms from Federal Firearms Licensees, through deliberated fraud and concealment,
27 often will also acquire firearms from private parties and other sources unknown to ATF.
28 Firearms or ammunition are often secreted at other locations within their residential

1 curtilage, and the identification of these firearms will assist in establishing their origins.
2 Persons who purchase, possess, sell and/or trade firearms or ammunition commonly
3 maintain documents and items that are related to the purchase, ownership, possession,
4 sale and/or transfer of firearms, ammunition, and/or firearm parts, including but not
5 limited to driver's licenses, telephone records, telephone bills, address and telephone
6 books, canceled checks, receipts, bank records and other financial documentation on the
7 owner's person, at the owner's residence, or in vehicles that they own, use, or have
8 access to.

9 j. Drug traffickers use mobile electronic devices including cellular
10 telephones and other wireless communication devices in connection with their illegal
11 activities in order to set up meetings with coconspirators, conduct drug transactions, or to
12 arrange for the transportation drugs or drug proceeds. As described below, such
13 equipment often contains evidence of these illegal activities.

14 k. Traffickers of controlled substances commonly maintain addresses,
15 vehicles, or telephone numbers which reflect names, addresses, vehicles, and/or
16 telephone numbers of their suppliers, customers, and associates in the trafficking
17 organization, and it is common to find drug traffickers keeping records of said associates
18 in cellular telephones and other electronic devices. Traffickers often maintain cellular
19 telephones for ready access to their clientele and to maintain their ongoing narcotics
20 business. Traffickers frequently change their cellular telephone numbers to avoid
21 detection by law enforcement, and it is common for traffickers to use more than one
22 cellular telephone at any one time.

23 Evidence Frequently Found on Phones

24 41. Based upon my training and experience, and conversations with, and
25 training from, other officers and agents involved in narcotics investigations, I know that
26 drug dealers use cellular telephones as a tool or instrumentality in committing their
27 criminal activity. They use them to maintain contact with their suppliers, distributors,
28 and customers. They prefer cellular telephones because, first, they can be purchased

1 without the location and personal information that land lines require. Second, they can be
2 easily carried to permit the user maximum flexibility in meeting associates, avoiding
3 police surveillance, and traveling to obtain or distribute drugs. Third, they can be passed
4 between members of a drug conspiracy to allow substitution when one member leaves the
5 area temporarily. Many of the drug dealers I have contacted have used one or more
6 cellular telephones for his or her drug business. I also know that it is common for drug
7 traffickers to retain in their possession phones that they previously used, but have
8 discontinued actively using, for their drug trafficking business. The cellular telephones
9 are used to call, text, or otherwise communicate with suppliers and customers of illegal
10 drugs. As a result, evidence of drug dealing can often be found in text messages, call
11 logs, photographs, videos, and other stored data on the cellular phone.

12 42. Based on my training and experience in investigating numerous firearms
13 possession and trafficking offenses, I am aware that when individuals who are prohibited
14 from legally possessing firearms seek to acquire firearms, they typically seek to obtain
15 the firearms from private sellers. A common way in which these types of private firearm
16 sales, also referred to as "street sales," are transacted is via electronic communications
17 such as text message, email, and/or telephone calls. I know that cell phones are
18 frequently used to arrange such transactions because of the flexibility and mobility they
19 offer. I am further aware that when individuals are offering items of value for sale, such
20 as firearms, it is common for them to take a photograph of the item and send it via text
21 message or email to an interested party for their review, or to take a photograph of it to
22 post/advertise it via social media or the internet. During numerous investigations of
23 firearms sales, I have found it to be common for buyer's or seller's cell phones to contain
24 photographs of the firearms that were bought or sold.

25 43. Based on the investigation of AZIZ, as summarized above, I believe it is
26 likely that the TARGET TELEPHONE will contain the Snapchat communications
27 between AZIZ and Snapchat Account 2, providing direct evidence for the distribution
28 and felon in possession charges against AZIZ. In addition, the above investigation

1 suggests that AZIZ previously illegally possessed and solicited firearms, and that he
2 possessed and distributed controlled substances. Based on my review of AZIZ's criminal
3 history, I know that he would be unable to lawfully purchase a firearm at a Federal
4 Firearms Licensee (FFL) because he would not be able to honestly answer certain
5 disqualifying questions on ATF paperwork and because he would not pass a mandatory
6 background check. Because he would not be able to obtain firearms lawfully, it is likely
7 that AZIZ obtains firearms by purchasing them in private or street sales. I believe that
8 evidence of these illegal purchases, in the form of chats, calls and/or photographs and
9 videos, will likely be found on the TARGET TELEPHONE. I also believe that evidence
10 of AZIZ' acquisition of, possession of, and distribution of, controlled substances will
11 likely be found on the TARGET TELEPHONE.

12 44. Based on my training and experience, the data maintained in a cellular
13 telephone may include evidence of a crime or crimes. This includes the following:

14 a. The assigned number to the cellular telephone (known as the mobile
15 directory number or MDN), and the identifying telephone serial number (Electronic
16 Serial Number, or ESN), (Mobile Identification Number, or MIN), (International Mobile
17 Subscriber Identity, or IMSI), or (International Mobile Equipment Identity, or IMEI) are
18 important evidence because they reveal the service provider, allow us to obtain subscriber
19 information, and uniquely identify the telephone. This information can be used to obtain
20 toll records, to identify contacts by this telephone with other cellular telephones used by
21 co-conspirators, to identify other telephones used by the same subscriber or purchased as
22 part of a package.

23 b. The stored list of recent received, missed, and sent calls is important
24 evidence. It identifies telephones recently in contact with the telephone user. This is
25 valuable information in a drug investigation because it will identify telephones used by
26 other members of the organization, such as suppliers, distributors and customers, and it
27 confirms the date and time of contacts. This information is valuable in the firearms
28 context because it will identify telephones used by other individuals who are part of

1 | illegal firearms transactions, and confirm the date and time of contacts. Further, the
2 | information is helpful (and thus is evidence) because it leads to friends and associates of
3 | the user who can identify the user, help locate the user, and provide information about the
4 | user. Identifying a defendant's law-abiding friends is often just as useful as identifying
5 | his drug-trafficking associates.

6 | c. Stored text messages are important evidence, similar to stored
7 | numbers. Agents can identify both drug associates, customers, and friends of the user
8 | who likely have helpful information about the user, his location, and his activities.

9 | d. Photographs on a cellular telephone are evidence because they help
10 | identify the user, either through his or her own picture, or through pictures of friends,
11 | family, and associates that can identify the user. As noted above, it is also likely that
12 | photographs of contraband firearms, firearms accessories, and/or ammunition are on the
13 | subject phone. Pictures also identify associates likely to be members of the drug
14 | trafficking organization. Some drug dealers photograph groups of associates, sometimes
15 | posing with weapons and showing identifiable gang signs. It is also likely that
16 | photographs of contraband firearms, firearm accessories, and/or ammunition are on the
17 | subject phone. Also, digital photos often have embedded "geocode" or GPS information
18 | embedded in them. Geocode information is typically the longitude and latitude where the
19 | photo was taken. Showing where the photo was taken can have evidentiary value. This
20 | location information is helpful because, for example, it can show where coconspirators
21 | meet, where they travel, and where assets might be located.

22 | e. Stored address records are important evidence because they show the
23 | user's close associates and family members, and they contain names and nicknames
24 | connected to phone numbers that can be used to identify suspects.

25 | 45. Based upon the evidence provided, it is reasonable to believe the TARGET
26 | TELEPHONE was utilized to further drug trafficking through communications with
27 | Snapchat Account 2. It is also reasonable to believe the TARGET TELEPHONE was
28 | utilized by AZIZ to obtain firearms that he could not lawfully possess. Because of the

1 manner in which the devices were used it is reasonable to believe the TARGET
2 TELEPHONE was used as an instrumentality of the crimes under investigation.

3 46. Moreover, because the TARGET TELEPHONE was located in the
4 TARGET VEHICLE in which AZIZ arrived, and from which investigators recovered
5 suspected fentanyl, the aforementioned data that establishes the user of the TARGET
6 TELEPHONE is relevant to establish possession of the fentanyl in question.

7 **TECHNICAL TERMS**

8 47. Based on my training and experience, I use the following technical terms to
9 convey the following meanings:

10 a. Wireless telephone: A wireless telephone (or mobile telephone, or
11 cellular telephone) is a handheld wireless device used for voice and data communication
12 through radio signals. These telephones send signals through networks of
13 transmitter/receivers, enabling communication with other wireless telephones or
14 traditional "land line" telephones. A wireless telephone usually contains a "call log,"
15 which records the telephone number, date, and time of calls made to and from the phone.
16 In addition to enabling voice communications, wireless telephones offer a broad range of
17 capabilities. These capabilities include: storing names and phone numbers in electronic
18 "address books;" sending, receiving, and storing text messages and e-mail; taking,
19 sending, receiving, and storing still photographs and moving video; storing and playing
20 back audio files; storing dates, appointments, and other information on personal
21 calendars; and accessing and downloading information from the Internet. Wireless
22 telephones may also include global positioning system ("GPS") technology for
23 determining the location of the device.

24 48. Based on my knowledge, training, and experience, I know that cellular
25 telephones, can store information for long periods of time. This information can
26 sometimes be recovered with forensic tools.

27 49. *Forensic evidence.* As further described in Attachment B, this application
28 seeks permission to locate not only electronically stored information that might serve as

1 direct evidence of the crimes described on the warrant, but also forensic evidence that
2 establishes how the TARGET TELEPHONE were used, the purpose of its use, who used
3 it, and when. There is probable cause to believe that this forensic electronic evidence
4 might be on the TARGET TELEPHONE because cellular telephones retain call logs,
5 texts, and photographs in the memory of the cellular telephone. Similar to a computer or
6 other digital device this information is retained in phone until it is written over.

7 50. *Manner of execution.* Because this warrant seeks only permission to
8 examine a vehicle and cellular telephones already in law enforcement's possession, the
9 execution of this warrant does not involve the physical intrusion onto a premises.
10 Consequently, I submit there is reasonable cause for the Court to authorize execution of
11 the warrant at any time in the day or night.

12 SEARCH TECHNIQUES

13 51. Based on the foregoing, and consistent with Rule 41(e)(2)(B) of the Federal
14 Rules of Criminal Procedure, the warrant I am applying for will permit imaging or
15 otherwise copying all data contained on the TARGET TELEPHONE, and will
16 specifically authorize a review of the media or information consistent with the warrant.

17 52. In accordance with the information in this affidavit, law enforcement
18 personnel will execute the search of the TARGET TELEPHONE pursuant to this warrant
19 as follows:

20 53. *Securing the Data.* In order to examine the TARGET TELEPHONE in a
21 forensically sound manner, law enforcement personnel with appropriate expertise will
22 attempt to produce a complete forensic image, if possible and appropriate, of the
23 TARGET TELEPHONE. Law enforcement will only create an image of data physically
24 present on or within the TARGET TELEPHONE. Creating an image of the TARGET
25 TELEPHONE will not result in access to any data physically located elsewhere.
26 However, a TARGET TELEPHONE that has previously connected to devices at other
27 locations may contain data from those other locations.

54. Searching the Forensic Images. Searching the forensic images for the items described in Attachment B may require a range of data analysis techniques. In some cases, it is possible for agents and analysts to conduct carefully targeted searches that can locate evidence without requiring a time-consuming manual search through unrelated materials that may be commingled with criminal evidence. In other cases, however, such techniques may not yield the evidence described in the warrant, and law enforcement may need to conduct more extensive searches to locate evidence that falls within the scope of the warrant. The search techniques that will be used will be only those methodologies, techniques and protocols as may reasonably be expected to find, identify, segregate and/or duplicate the items authorized to be seized pursuant to Attachment B to this affidavit.

CONCLUSION

55. Based on the foregoing, I respectfully submit that probable cause exists to search the TARGET VEHICLE and TARGET TELEPHONE described in Attachment A, for evidence, fruits, and instrumentalities of the aforementioned offenses, as described in Attachment B.



ELLIOTT PROSE, Affiant
Special Agent, ATF

SUBSCRIBED AND SWORN before me this 20th day of July 2021.



MICHELLE L. PETERSON
United States Magistrate Judge